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Application No. 10/089,854
Amendment dated March 30, 2005
Reply to Office Action of October 1, 2004

Docket No. 0887-151US1

REMARKS

Applicant respectfully requests reconsideration of this application in view of the following remarks.

Status of the Claims

Claims 1-58 are pending in this application. Claims 1, 13, 20, 26, 38, 43, 47 and 49-53 are independent. All of the pending claims stand rejected.

Rejection under 35 U.S.C. §102

Claims 1-4, 13-15, 18, 20, 26-34, 38-41, 43-45 and 47-58 have been rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,793,969 to Kamentsky et al. ("Kamentsky").

Kamentsky discloses a network system configured to review and analysis of computer encoded microscope slides and specimens which were originally computer encoded from a microscope during an initial examination. Kamentsky further discloses that encoding includes parameters of viewing locations and events of interest on the slide stored on a network file server. The encoding also includes information regarding the manner in which the initial examination was conducted. The computer encoded information is retrievable at all remote locations of the network for supervisor review or for pathologist analysis. In an aspect, Kamentsky is directed to record the stage movements of a pathologist who examined the slide for the purpose of supervision and guidance by a supervisor from a local or a remote site.

In contrast, one of the aspects of present invention as featured in pending claim 1, for example, is directed to capture "a first image" corresponding to an area of a specimen, to capture "at least a second image corresponding to a selected area of the first image (i.e., a portion of the

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first image) having a different magnification from the first image, to store the first and second image in a memory device along with "a linking map" indicating the relationship between the first and second images.

With the features of the invention as described above, a remote user (i.e., a pathologist) connected to the virtual microscope of the present invention with a network (e.g., an Internet) can conduct a diagnosis of the species if he is manipulating a light microscope. Furthermore, anybody (i.e., not only the pathologist) with basic knowledge of pathology or histology can take images to make the virtual slide without specific sequences of the images.

Applicant notes that Kamentsky simply fails to show or suggest the specific aspect of the present invention as discussed above. For example, in Kamentsky's system, images are taken by a pathologist while he or she is examining and analyzing the slide and the movements of the way the pathologist examined the slide are recorded for the purpose of quality control and supervision. Furthermore, since the images from areas of interests are captured and only the locations and the magnifications of the images are recorded, a specific sequence is required to take and store the images.

Accordingly, each of independent claims 1, 13, 20, 26, 38, 43, 47 and 49-53 is believed neither anticipated by nor rendered obvious in view of Kamentsky for at least the reasons discussed above.

Reconsideration and withdrawal of the rejections of claims 1, 13, 20, 26, 38, 43, 47 and 49-53 under 35 U.S.C. §102 (b) is respectfully requested.

Applicant has not individually addressed the rejections of the dependent claims because Applicant submits that the independent claims from which they respectively depend are in

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condition for allowance as set forth above. Applicant however reserves the right to address such rejections of the dependent claims should such be necessary.

Applicant believes that the application is in condition for allowance and such action is respectfully requested.

AUTHORIZATION

A petition for a three-month extension of time along with the associated fee is enclosed, extending the date for responding until April 1, 2005. Should an additional extension of time be required to render this paper timely filed, such extension is hereby petitioned and the Commissioner is authorized to charge any other fees necessitated by this Amendment, or credit any overpayment to our Deposit Account No. 13-4500 (Order No. 0887-4151US1).

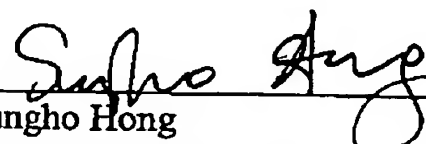
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An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
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Dated: March 30, 2005

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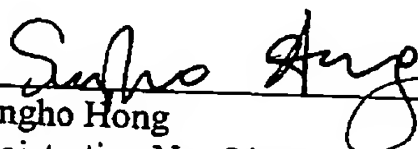
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